

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RITLAND

Serial No.: 10/624,234

Filed: July 21, 2003

Atty. File No.: 4510-10

For: "SURGICAL IMAGE TRACKER  
MOUNTING BASE APPARATUS  
AND METHOD OF USE"

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:



Group Art Unit: 3738

Examiner: HILL, Genevieve A.L.

**RESPONSE TO RESTRICTION  
REQUIREMENT**

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DATE OF DEPOSIT: April 6, 2006

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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TYPED OR PRINTED NAME: Kim Christiansen  
SIGNATURE: Kim Christiansen

In an Office Action dated March 6, 2006, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. With traverse, the Applicant elects Invention I as designated by the Examiner for claims directed to the device for stabilizing an image tracker. The Applicant further elects Species AI as designated by the Examiner for the "Mounting Base Configuration." Regarding the base configuration, the Applicant preferably chooses the bottom shape shown in Fig. 4. However, the Applicant is also required to pick a species as designated by the Examiner, and thus, the Applicant picks BII from the Examiner's list of "Bottom Shape of Mounting Base." The Applicant believes that Claims 1-20 apply to the elections made herein.

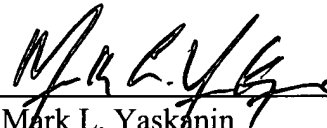
Applicant respectfully submits that where a single field of a search thoroughly covers all of the claims in an application, different classifications in the Patent and Trademark Office should not be controlling. It is respectfully submitted that, with respect to the different device species, in this case the restriction requirement only serves to increase the expense to Applicants and to the Patent and Trademark Office. As noted in the Commissioner's Notice of April 9, 1975, 930 O.G. 450 and M.P.E.P §803, where search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine on the merits, even if it includes claims to distinct or independent inventions.

Finally, the Applicant respectfully reserves the right to file one or more subsequent divisional/continuation applications on any claims not elected, or that may otherwise be withdrawn by the Examiner, and the Applicant does not disclaim or abandon any subject matter associated with the present application.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: \_\_\_\_\_

  
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Date: 4-6-2006